



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JUN 22 2010

MEMORANDUM

TO: The Commission

FROM: Thomasenia P. Duncan
General Counsel

Stephen Gura
Deputy Associate General Counsel

BY: Mark Shonkwiler *MS*
Assistant General Counsel

Margaret Ritzert *MR*
Attorney

SUBJECT: MUR 6290 (Project Vote) - _____

RECEIVED
FEDERAL ELECTION
COMMISSION

2010 JUN 22 PM 5:10

CELA

Attached is a _____ conciliation agreement which settles Project Vote's violation of 2 U.S.C. § 438(a)(4) by soliciting donations from individuals whose names and addresses were downloaded from a disclosure report on the Commission's website. Attachment 1.

_____ The improper solicitation occurred more than two years ago and many of the donations received were in very small amounts ranging from \$25 to \$50. Project Vote is concerned that many of the refund checks either would not reach the original donors due to stale address information or that the small dollar amount checks would remain uncashed. Given the perceived burden, Project Vote prefers disgorgement.

_____ The funds in question are not "contributions" under the FECA, and thus are not governed by Commission regulations requiring refunds of contributions. See, e.g., 11 C.F.R. § 103.3(b). The purpose of this provision was to ensure that Project Vote did not benefit from its improper solicitation. The disgorgement fulfills this purpose. Therefore, in the interest of resolving this matter, we recommend that the Commission accept the attached conciliation agreement and close the file.

RECOMMENDATIONS:

1. Accept the attached conciliation agreement with Project Vote.
2. Approve the appropriate letter.
3. Close the file.

10044273776